

REMARKS

Applicant respectfully requests reconsideration. Claims 58, 116-121, 204, 206-209, 211-213, 223-232 and 238-252 were previously pending in this application. By this amendment, Applicant is canceling claims 232 and 238 without prejudice or disclaimer. As a result, claims 58, 116-121, 204, 206-209, 211-213, 223-231 and 239-252 are pending for examination with claims 58 and 239-252 being independent claims.

No new matter has been added.

Election/Restrictions

The Examiner has again argued that claims 232 and 238 are withdrawn as being drawn to a non-elected group. Without conceding the correctness of the Examiner's arguments and resultant conclusion, Applicant has canceled claims 232 and 238 in the interest of expediting prosecution.

Rejection Under 35 U.S.C. §102

Claims 239-252 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,527,532 (the '532 patent). The Examiner has argued that the '532 patent, specifically the sentence bridging columns 6-7, discloses dry unformulated heparin particles having a diameter of less than 180 microns.

Applicant respectfully traverses. The sentence to which the Examiner refers teaches that the sieved dry powder heparin was added to an ethylene-vinyl acetate copolymer (EVAc) solution. EVAc, as taught in the first sentence of Example 1 of the '532 patent, is a slow release matrix. Therefore, in carrying out the teachings to which the Examiner refers, the composition that results would comprise a slow release matrix. Such a composition is not an unformulated composition as in the rejected claims, as an unformulated composition is one that does not include a carrier or other excipient to enhance delivery or result in slow release.

Reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed payment, please charge any deficiency to Deposit Account No. 23/2825.

Dated: July 17, 2008

Respectfully submitted,

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